

MONTEREY BAY NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL

CONSERVATION WORKING GROUP

Meeting Minutes

Tuesday, August 22, 1995
Moss Landing Harbor District Office

The Monterey Bay National Marine Sanctuary Advisory Council, Conservation Working Group (CWG), met on Tuesday, August 22, 1995 at the Moss Landing Harbor District Office. Working group members in attendance were Rachel Saunders, Chair (Center for Marine Conservation), Vicki Nichols (Save Our Shores), Ellen Faurot-Daniels (Friends of the Sea Otter), Milos Radakovich (American Cetacean Society/BAY NET), Thomas La Hue (Surfrider Foundation), Jack Wickham (Sierra Club, Ventanna Chapter), Daphne White (League of Women Voters), David Iverson (SOS, Half Moon Bay), Korie Johnson (Sea Grant/MLML) and Mark Pickett and Jane DeLay (Monterey Bay National Marine Sanctuary).

I. CALL TO ORDER

The meeting was called to order at 10:10 a.m.

II. CWG ADMINISTRATION

1) The minutes were approved as presented after answering questions of clarification from Jack Wickham;

2) Review of agenda and new items for discussion:

 Proposed Discussion -- current State and Federal proposals to permit discharge from the Central Valley Water Recycling Project into the ocean, and potentially within Monterey Bay National Marine Sanctuary (MBNMS) boundaries. It was agreed that this topic be placed on the September agenda. Material prepared and presented by Jack Wickham is attached;

 Future Agenda Topics --

a) Jack Wickham suggested that Peter Tyack be invited to speak about his work with whales and acoustics;

b) Ellen Faurot-Daniels -- provided two letters concerning the California Department of Fish and Game's document entitled "STRATEGIC PLAN," and requested that the subject be placed on a future agenda;

3) The next meeting of the CWG will be on Tuesday, September 19 from 10:00 a.m. - 12:30 p.m. at the Moss Landing Harbor District Office;

4) Announcements and other upcoming meeting dates:

ˆ The League of Women Voters will be voting on the Los Padres Dam Proposal, a glossary will be ready by October 2. Call Daphne White at (831) 372-8824 for more information;

ˆ There will be a Summer Sampling, fund raiser for Save Our Shores and the Friends of Santa Cruz State Parks on August 26 from 7 p.m. to 10 p.m. Tickets are \$25 in advance and \$30 at the door;

ˆ Review of upcoming meeting dates for the working groups and the Advisory Council:

Sanctuary Education Panel (SEP) RETREAT -- Wednesday, September 27 from 9:00 a.m. until 1:00 p.m., there will be a session to develop a more long-term Education Strategic Plan for the Sanctuary, and from 2:00 p.m. - 4:00 p.m. on the same day, there will be a session for SEP members to focus on defining their role and protocols. The Retreat will be held in the Elkhorn Slough Reserve Conference Room;

Research Activity Panel (RAP) -- Friday, September 15 from 9:00 a.m. - 12:00 p.m. in the MBARI Conference Room at Moss Landing;

Sanctuary Advisory Council (SAC) -- Friday, September 29 from 8:30 a.m. - 4:30 p.m. at the Moss Landing Chamber of Commerce Building in Moss Landing.

III. SANCTUARY UPDATE

Research --

ˆ Dr. Andrew DeVogelaere has been contracted as the new Research Coordinator for the sanctuary office. He officially began his duties on Monday, August 21;

ˆ There is 75k for marine mammal research in the three northern California sanctuaries. The Research Activity Panel is heavily involved in the selection of proposals;

Enforcement --

ˆ Special Agent Roy Torres is the new Enforcement officer for the Sanctuary. As was the case with Bob Jones, Roy will be working for the National Marine Fisheries Service full-time and available to the Sanctuary on an as needed basis. Roy's office is located at the Pacific Grove facility, and he can be reached at (831) 647-4220;

ˆ MBNMS Assistant Manager, Mark Pickett, reassured the CWG that enforcement is a priority for the Sanctuary office and that actions are being taken to formulate an enforcement plan in cooperation with other agencies such as the California Resources Agency.

Conservation Working Group members indicated that they are interested in commenting on any plan that the Sanctuary produces concerning enforcement issues. Rachel reiterated that a positive enforcement presence would do much to enhance public relations and education;

Education --

ˆ The upcoming Sanctuary Birthday Celebrations are scheduled for September 10 and 24 in Monterey and Santa Cruz respectively;

ˆ MBNMS Education Outreach Coordinator, Kip Evans, is working on the finishing touches to a 15-minute informational video about the Sanctuary. World renowned diver and author, Dr. Sylvia Earle, will provide the narration;

ˆ The Sanctuary is currently developing a traveling display for use at public events;

ˆ The Sanctuary Newsletter is finished and waiting for approval by the government printing office;

Permit Report --

ˆ Questions and requests for copies of the August Permit Report, should be directed to Scott Kathey at the Sanctuary office, (831) 647-4251;

Sanctuary Activities --

ˆ Scott has enlisted the help of the Coast Guard to purchase and install marker buoys at the jet ski zones and along the corridors leading out to them.

With respect to the thrill craft zones, CWG members discussed the importance of instigating a campaign to educate the public about the jet ski regulations.

Vicki Nichols suggested that the thrill craft industry be invited to assist in the public education efforts and the deployment of the buoys. Working group members concurred, adding that an industry representative be invited to a future meeting to discuss options. Rachel Saunders and Vicki Nichols will follow up on this item.

The CWG outlined the following potential course of action for jet ski education enforcement:

- 1) educational signs at the launch ramps;
- 2) widely distributed published material, such as brochures, to inform the public about the regulations and the location of the jet ski use zones. The brochures would include a map depicting the coordinates of the zones and the corridors leading to them, as well as highlight other applicable state and local laws; and,
- 3) buoys to demarcate the areas.

Mark agreed to forward the working group's comments to the Sanctuary Manager and appropriate staff. Furthermore, the CWG requested that the Sanctuary investigate the jurisdictional responsibilities of the City, County, State, and Federal regulations concerning high speed water craft.

ˆ Chumming -- Aaron King, a Program Coordinator at the Monterey Bay National Marine Sanctuary (MBNMS), is working on responses to the public comments on the issue. The next step is the notice of the proposed rule making;

Water Quality Protection Program (WQPP) --

The program is continuing to:

- ˆ define strategies;
- ˆ draft changes to CEQA; and,
- ˆ develop a strategy for Marinas and Boating.

IV. NATIONAL UPDATE

As Congress is currently in recess and will reconvene after Labor Day, this is a good time to meet with Representatives.

Issues to be debated affecting the MBNMS include:

- ˆ a Senate discussion of the Clean Water Act -- Rachel will keep the CWG advised;

Federal Budget updates include the following:

- ˆ The Environmental Protection Agency (EPA) budget was cut severely by the House;
- ˆ The House Appropriations bill put \$2 million back into the National Marine Sanctuary Program's budget thanks to the work of Congressman Farr. The House voted to support \$11 million for the program;
- ˆ Rumors about the dismantling of the Department of Commerce are becoming more realistic. NOAA's fate, as yet, remains uncertain;
- ˆ The Senate stipulated more money for the Endangered Species Act (ESA) than did the House. There is also a ban on new species being added to the list.

V. UPDATES AND DISCUSSIONS

A. Jade Cove -- NOAA is currently considering amending the regulations to allow small scale collection of Jade, and is in the process of seeking advice, comments, and recommendations on its position.

In summary, the CWG discussed the proposed regulations which could include:

- ˆ that there be stipulations on how Jade is collected and the tools that can be used;
- ˆ that permits for the collection of Jade be restricted to museums and individuals wishing to take stones weighing over 60 pounds; and,
- ˆ that Jade collection must comply with all other Sanctuary regulations.

The CWG made the following recommendations:

- 1) institute a formal review process;
- 2) institute a public education and assessment program;
- 3) limit the amount of permits that can be granted annually and the amount of jade that can be collected per permit;
- 4) use permit fees as a source of revenue for the Sanctuary program
- 5) support limitations defining allowable methods for the collection of Jade; and,
- 6) place a cap on the amount of jade that can be collected on an annual basis;
- 7) ensure that whatever framework is put in place, it does not result in an

intensification of the scale of jade collection.

In general, the CWG was reluctant to impose arbitrary limitations on the collection of Jade without scientific data to support the regulations. However, the group recognized the importance of this issue as precedent setting for the taking of other minerals and resources contained within Sanctuary boundaries, and the need to institute a responsible process for reviewing the impacts of mineral collection.

The CWG directed Rachel to draft a letter on the working group's position on this issue to submit to NOAA in response to the Federal Register notice.

B. CA Ocean Plan -- The document supports re-routing of vessels to prevent oil spills; continued upgrading of sewage treatment plants to a higher level of treatment; and, responsible recycling and reuse of water. CWG members were encouraged to contact Governor Wilson and ask him to support many of the programs already in place or proposed by the plan. We need to push to make it more than another document on the shelf.

Rachel will make a general statement on behalf of the CWG.

C. WQPP and Related Water Quality Issues -- Jack Wickham introduced a memo regarding the Central Valley Water Recycling Project and his concern over proposed methods for disposing the waste within the boundaries of the MBNMS.

Jack has already done some work on a similar problem and has investigated the movement of currents along the California Coast, suggesting potential dangers in dumping waste materials in the ocean to the north of Sanctuary boundaries. (Please see attached documents.) CWG members concurred that this was a potentially serious issue needing to be addressed and recommended that Pat Cotter, a water quality specialists from the MBNMS be invited to the next meeting to speak about the water recycling projects and the WQPP.

D. Brief Update on Otter/Seabird Mortalities -- Ellen Faurot-Daniels, Friends of the Sea Otters, reported that nothing definitive had yet been learned to explain the recent otter and seabird deaths. Contact Ellen at 373-2747 for more information.

E. Grant for A Model Stormwater Program -- The cities of Monterey and Santa Cruz receiving the grant would provide a model of interagency efforts for the WQPP. CWG members are encouraged to write letters in support of the water quality project. The names of the agencies are listed in the information provided by Rachel in the August 15 mailing.

There will be a discussion in more detail at the next meeting.

F. Update on Devil's Slide -- sound abatement continues to be an issue with this project. Moreover, there may be further legal action taken by the Sierra Club and other groups concerning the faulty Environmental Impact Report (EIR) and its preferred alternative. Groups are also pressing to have the Board of Supervisors re-address the tunnel alternative

A re-development plan was adopted by the Half Moon Bay City Council in July and subsequently the city will put it on the ballot for voting. If it violates any of the

Sanctuary regulations, they will have to apply for the permit. Contact Dave Iverson at (415) 726-9525 for more information.

VI. MARINE UNDERWATER PARK PROPOSAL

Ed Cooper, from Cooper Publications and Diving Representative for the Sanctuary Advisory Council, and Kevin McDonnell, Captain of the Beach Hopper, a charter dive boat, presented a brief slide presentation on their proposed Edward F. Ricketts Underwater Park. The proposed park will extend from the Coast Guard Jetty to Lover's Point to a depth of 10 Fathoms, not including Hopkins Marine Station. The purpose of the Park would be to, ensure a world-class scuba diving environment, as well as to provide protection for depleted fish populations from commercial and sport harvest.

Ed commented that the 10 fathom line was chosen because it is the deep water line for kelp and the limit for the squid fishing grounds. It is not the intention of the proposed park to impede on the commercial fishing industry. In fact, Ed indicated that the industries thought to be most affected, such as the spear gun manufacturers and the salmon trollers, were supportive of the proposal.

In response to questions regarding the scientific evidence of a depletion in fish populations due to over fishing, Ed commented that Hopkins Marine Station has the critical information and that they should be contacted for more quantitative data on the subject.

The CWG recommended that Ed and Kevin to the following:

- 1) contact the American Cetacean Society for an opportunity to present their proposal at one of their monthly meetings;
- 2) develop a written background piece which answers the questions who, what, where, why, and how of the proposal;
- 3) the proposal should include a more detailed description of the benefits;
- 4) include a schedule of hearings and a description of the overall process;
- 5) list the supporters and those endorsing the idea; and,
- 6) try to find substantive data to present to the Research Activity Panel to gain their endorsement of the proposal. Invite the group to participate in developing the protocol for the research in the park.

The meeting adjourned at 1:00 p.m.

Respectfully Submitted,

Jane M. DeLay
Sanctuary Advisory Council Coordinator

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